

## **REMARKS**

In accordance with the foregoing, claims 1-4, 6-9, 14, 16, 21, 23, 24, and 28-31 are amended. No new matter is added. Claims 1-31 are pending and under consideration.

### **INTERVIEW WITH THE EXAMINER**

First, Applicant wishes to thank the Examiner for the courtesy of an interview granted to Applicant's representative on January 30, 2007, at which time the claim language was discussed in light of the prior art references. The Examiner indicated that upon a formal submission of an amendment including claim amendments similar to the ones discussed during the interview as overcoming the cited prior art, he would reconsider the outstanding grounds for rejection. The claim amendments presented and the arguments raised during the interview are included below.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-6, 14-19, 21-26 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,603,488 B2 to Humpleman et al. (hereinafter "Humpleman") in view of U.S. Patent No. 5,796,404 to Gentner ("Gentner"). Claims 7-13, 20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman and Gentner and in further view of JP-01100620 to Higuchi ("Higuchi").

Independent claim 1 is amended herewith to recite "if no characteristic menu information corresponds to the discriminated application, a predetermined menu is displayed." The newly added feature is fully supported by the originally filed specification and claims, for example, S4 in FIG. 13 and the corresponding description in the specification. Applicants respectfully submit that the newly added feature is not taught or suggested by any of the cited prior art references. Additionally, Applicants added minor changes to improve the clarity of the claimed subject matter. No new matter is added.

Therefore, claim 1 and dependent claims 2 and 6-13 depending from claim 1 patentably distinguish over the cited prior art.

Independent claim 3 patentably distinguishes over the cited prior art at least because, claim 3 (as amended) recites "if no characteristic menu information corresponds to the discriminated application, the menu development unit displays a predetermined menu." Additionally, claim 3 recites that a second menu, which is an active application menu "allows selecting and activating at least one other of the plurality of applications." In the outstanding Office Action (see page 3, lines 7-8), it is alleged that FIG. 10 of Humpleman shows that a

plurality of applications 712 are available for selecting/activating while an application is already activated. FIG. 10 of Humpleman contains three frames: 704 in which a device linking menu is displayed, 708 which displays Dads TV menu, and 708 which is an empty frame. In Fig 11, Jims DVD menu is displayed in the empty frame 708. FIGS. 10 and 11 of Humpleman illustrate plural menus displayed simultaneously but NOT that a second menu corresponding to an application allows selecting and activating at least one other of the plurality of applications. None of the menus displayed in frames 706 or 708 allows selecting and activating ANOTHER application (i.e. device). The menu in frame 704 corresponds to the first menu as recited in claim 3 which can be displayed even if none of the second application menus is displayed as illustrated in FIG. 8 of Humpleman. Genter does not teach or suggest launching any application other than the electronic mail system. Thus, claim 3 is patentable over the cited prior art.

Claim 4 patentably distinguishes over the cited prior art at least by reciting that "said menu development unit displays a predetermined menu on the screen if there is no stored characteristic menu information corresponding to the at least one application." In the Office Action, FIG. 8 is indicated as proving that the "predetermined menu 710 is displayed if none of the applications 712 is started" (see Page 4, lines 1-2). However, the predetermined menu 710 is not a menu corresponding to an application, but it is a general menu to activate applications (i.e. devices). Additionally, according to claim 4, the predetermined menu is displayed when there is no "characteristic menu information corresponding to the at least one application" and not if no application is started. Moreover, according to claim 4, the "at least one application" is active/started. Claim 5 depending from claim 4 is also patentable at least by inheriting patentable features from claim 4.

Relative to claim 6, the outstanding Office Action takes Official Notice that "it was well known in the art [and it] would have been obvious to an artisan at the time of the invention to combine such a feature with the teaching of Humpleman in order to increase screen display area." Applicants respectfully traverse the Official Notice and requests authority for the statement. Applicants specifically point out the following errors in the Office Action.

First, the Office Action uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

Any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the assertion. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, it appears that the rejection is based, at least in part, on personal knowledge. 37 C.F.R. § 1.104(d)(2) requires such an assertion to be supported with an affidavit when called for by the Applicant. Thus, Applicants call for support for the assertion with an affidavit.

Independent claim 14 is patentable at least because the cited prior art fails to teach or suggest the newly added feature, "if no characteristic menu information corresponds to the discriminated application a predetermined menu is displayed." Claims 15, 19 and 20 are also patentable at least by inheriting patentable features from claim 14 from which claims 15, 19, and 20 depend.

Independent claim 16 is patentable at least by reciting "if no characteristic menu information corresponds to the discriminated application, a predetermined menu is displayed."

Independent claim 17 and claim 18 depending from claim 17 are patentable because the cited prior art fails to teach or suggest that "a predetermined menu is displayed on the screen if there is no stored characteristic menu information corresponding to the at least one discriminated application", as recited in claim 17.

Independent claim 21 is patentable at least by reciting "wherein if no characteristic menu information corresponds to the discriminated application, a predetermined menu is displayed." Claims 22, 26, and 27, depending from claim 21 are also patentable at least by inheriting patentable features from the independent claim.

Independent claim 23 is patentable at least by reciting "if no characteristic menu information corresponds to the discriminated application, a predetermined menu is displayed."

Independent claim 24 and claim 25 depending from claim 24 are patentable because the cited prior art fails to teach or suggest at least "if an application, for which said menu information does not exist is being executed, a predetermined menu on the screen is displayed on the screen."

Independent claim 28 is patentable at least by reciting "if no characteristic menu information corresponds to the activated application, a predetermined menu is displayed."

Independent claim 29 is patentable at least by reciting "if no characteristic menu information corresponds to the at least one executing application, a predetermined menu is displayed."

Independent claim 30 is patentable because the cited prior art fails to teach or suggest at least "displaying a predetermined menu when no characteristic menu information corresponding to the started application is stored."

Independent claim 31 patentably distinguishes over the cited prior art by reciting "if no menu corresponding to the executed application exists, a predetermined menu is displayed."

Applicants respectfully request evaluation of patentability of all the claims on the merits.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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